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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,324	10/04/1999	YONG-HUN KIM	P8256-9004	8147
6449	7590	03/05/2004	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			KAZIMI, HANI M	
ART UNIT		PAPER NUMBER		3624
DATE MAILED: 03/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/411,324	KIM, YONG-HUN
	Examiner	Art Unit
	Hani Kazimi	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on July 8, 2003.

Claims 1-17 are pending in this application. The rejections cited are as stated below:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 4-7, 9-12, 13, 15, and 17 are rejected under 35 U.S.C. 102(e) as being

anticipated by Davis et al. US Pat. No. 6,282,522.

Claims 1, 5, 7-9, 13, and 15, Davis teaches a method of paying for a goods or service by using a mobile phone, comprising the steps of:

receiving at a payment transaction server a payment request data containing information identifying a store and a buyer and an amount of money to be paid from the mobile phone connected; identifying at a payment transaction server a buyer's account depending upon the

information identifying a buyer; determining at a payment transaction server whether to approve the payment based on the received amount of money to be paid and the balance in the identified buyer's account; identifying a terminal of the store depending upon the information identifying a store; connecting to the identified terminal; sending pre-recorded voice associated with the store to the connected terminal; and transmitting a payment approval data containing information on the amount of money approved from the payment transaction server to the connected terminal (column 12, lines 1-22, column 15, line 10 thru column 19, line 63, and column 27, line 35-47).

Claims 4, and 6, Davis teaches the steps of transmitting the information on the amount of money to be approved to the mobile phone through the mobile phone network; receiving a data indicating whether the amount of money to be approved is correct or not from the mobile phone; and determining whether to approve the payment depending upon the received data, and decreasing the balance in the buyer's account by the amount of money to be paid when determining to approve the payment (column 11, line 48 thru column 12, lines 1-22).

Claims 9-12, and 17, Davis teaches that the information identifying a store and the amount of money to be paid are entered through the dial buttons on the mobile phone, the payment approval data further contains the identified buyer's personal information such as name and postal address, the payment approval data further contains a transaction count associated with the identified store, the transaction count being incremented whenever a payment approval data is transmitted, and the payment approval data further contains a data indicating that the

payment approval data is originated from a predetermined payment transaction server (column 7, line 6 thru column 8, line 35, and column 12, lines 1-22).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

6. Claims 3, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. US Pat. No. 6,282,522.

Claims 3, and 16, Davis fails to teach that the information identifying a buyer is a mobile phone number which is automatically transmitted from the mobile phone during call setup procedure.

Official notice is taken that identifying a user using a telephone number is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the Applicant's invention was made to modify the teachings of Davis to include that the information identifying a buyer is a mobile phone number which is automatically transmitted from the mobile phone during call setup procedure because, Davis is using similar methods of identifying the parties involved in the transaction such as client, merchants, and the payment server, and the use of a cellular telephone to perform the transaction.

Claim 14, Davis fails to teach that the prerecorded voice is natural voice of a representative of the store.

Official notice is taken that the use of natural voice of a representative is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the Applicant's invention was made to modify the teachings of Davis to include that the prerecorded voice is natural voice of a representative of the store because, it provides the user with a system that is user friendly.

7. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. US Pat. No. 6,282,522 in view of Rossmann US Pat. No. 6,405,037.

Claim 2, Davis fails to teach that the data communication among the mobile phone, the payment transaction server, and the terminal is done through a Code Division Multiple Access (CDMA) mobile phone network.

Rossmann teaches the use of a Code Division Multiple Access (CDMA) mobile phone network.

It would have been obvious to one of ordinary skilled in the art at the time the Applicant's invention was made to modify the teachings of Davis to include that the data communication among the mobile phone, the payment transaction server, and the terminal is done through a Code Division Multiple Access (CDMA) mobile phone network because, it greatly improves the efficiency of the system by providing a two-way data communication network, since Davis supports the use of cellular telephones.

Response to Arguments

8. Applicant's arguments filed January 10, 2003 have been fully considered but they are not persuasive.

In the remarks, the Applicant argues in substance that;

Davis reference fails to that the payment server checks the payment request and a balance associated with the identified buyer for approval of the payment, and transmitting payment approval data containing information on the amount of money approved from the payment server to a terminal other than the mobile phone based on the check results.

In response to the above arguments;

In response to Applicant's argument Davis teaches that the payment server checks the payment request and a balance associated with the identified buyer for approval of the payment (column 15, line 62 thru column 16, line 12), and transmitting payment approval data containing information on the amount of money approved from the payment server to a terminal other than the mobile phone based on the check results (abstract, and column 13, line 55 thru column 14, line 25).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687 or 7658.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 1114.



HANI M. KAZIMI
PRIMARY EXAMINER
Art Unit 3624

October 20, 2003